

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wendy Rodriguez Figueroa	Team: Team # 5	CCRB Case #: 201014894	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/24/2010 1:06 AM	Location of Incident: 571 Shepherd Avenue	Precinct: 75	18 Mo. SOL 4/24/2012	EO SOL 4/24/2012	
Date/Time CV Reported Sun, 10/24/2010 4:46 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/29/2010 1:27 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Florencio Arquer	01846	915250	075 PCT
2. POM David Grieco	18061	940216	075 PCT
3. POM Daniel Barreto	29988	939904	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Florencio Arquer	Force: Sgt. Florencio Arquer used physical force against § 87(2)(b)	
B.POM David Grieco	Force: PO David Grieco used physical force against § 87(2)(b)	
C.POM Daniel Barreto	Force: PO Daniel Barreto used physical force against § 87(2)(b)	
D.POM David Grieco	Abuse: PO David Grieco threatened § 87(2)(b) with the use of force.	

Case Summary

On October 24, 2010, § 87(2)(b) filed a complaint with the Internal Affairs Bureau via telephone on behalf of his § 87(2)(b) -year-old son, § 87(2)(b) IAB log #10-53281. The complaint was forwarded to the Civilian Complaint Review Board on October 29, 2010.

On October 24, 2010, at approximately 1:06 a.m., § 87(2)(b) and four others were walking from the train, when they were approached by three men in an unmarked car at 571 Shepherd Avenue, Brooklyn. § 87(2)(b) reported that Sergeant Florencio Arquer, Officer David Grieco and Officer Daniel Barreto jumped out of a vehicle and assaulted § 87(2)(b) (**allegations A, B and C**). § 87(2)(b) started running because he thought he was being robbed. § 87(2)(b) reported that PO Grieco yelled, “Stop, or I’m going to shoot” (**allegation D**). § 87(2)(b) stopped and got on his knees, at which point, PO Grieco punched § 87(2)(b) in the face (**allegation B continued**). § 87(2)(b) alleged that PO Barreto kicked § 87(2)(b) in the chest (**allegation C continued**). § 87(2)(b) stated that § 87(2)(b) was cuffed and taken to the 75th Precinct stationhouse. A search of the Booking Arraignment Disposition Inquiry System (BADS) database did not indicate § 87(2)(b) was arrested. However, § 87(2)(b) is § 87(2)(b) years old and his records may be sealed. No injuries were reported at the time.

Sergeant Florencio Arquer, Officer David Grieco and Officer Daniel Barreto, all assigned to the 75th Precinct, were identified by name by § 87(2)(b) to the Internal Affairs Bureau. The complaint does not state how the names of the officers were obtained and no physical descriptions were provided. A search in the Complaint Tracking System confirms that Sergeant Arquer, PO Grieco and PO Barreto are assigned to the 75th Precinct. Therefore, allegation A is being pleaded against Sgt. Arquer, allegations B and C are being pleaded against PO Grieco and allegation D is being pleaded against PO Barreto.

On November 4, November 5 and November 9, 2010, the undersigned investigator called a telephone listed as the contact telephone number for § 87(2)(b). On November 5th and November 9, 2010, the undersigned investigator spoke to a female who identified herself as Investigator Sam from IAB. A call to the CCRB IAB Liaison’s office confirmed that there is no officer assigned to IAB with the first or last name “Sam”. The female who referred to herself as Investigator Sam stated she’d given § 87(2)(b) the message on both occasions and that the undersigned investigator had attempted to contact him. On November 9, 2010, the female who referred to herself as Investigator Sam provided a mobile number for § 87(2)(b) § 87(2)(b) § 87(2)(b) s mother. The female who referred to herself as Investigator Sam stated § 87(2)(b) § 87(2)(b) was a retired detective who was now working as an environmental engineer and he did not have a telephone number where he could be reached. She did not state how she had obtained § 87(2)(b) § 87(2)(b) s mobile number. Between November 10 and November 22, 2010, the undersigned investigator called § 87(2)(b) § 87(2)(b) five times. During the calls where § 87(2)(b) § 87(2)(b) answered her phone, she stated she had given § 87(2)(b) the message that the CCRB was trying to contact him about the complaint. On three occasions, § 87(2)(b) § 87(2)(b) stated she did not have a telephone number to provide for § 87(2)(b) and said that because § 87(2)(b) § 87(2)(b) was a minor she was not going to give the undersigned investigator information for § 87(2)(b) § 87(2)(b) and that the investigator would have to talk to § 87(2)(b) § 87(2)(b) since § 87(2)(b) § 87(2)(b) was with § 87(2)(b) at the time of the incident. A White Pages and Verizon search online for additional contact information that yielded negative results for § 87(2)(b) § 87(2)(b). A Lexis Nexis search yielded negative results as well. A search in the NYC Department of Correction’s inmate look-up service performed on December 10, 2010 indicated that § 87(2)(b) § 87(2)(b) is not incarcerated. As of the closing of this complaint, § 87(2)(b) § 87(2)(b) has not contacted the CCRB.

Team: 5

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Investigator: _____ Wendy Rodriguez-Figueroa _____
Signature Print Date

Supervisor: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date